### IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

LODSYS, LLC, Plaintiff. CIVIL ACTION NO. 2:11-cv-272 v.

ATARI INTERACTIVE, INC.; COMBAY, INC.; **ELECTRONIC ARTS, INC.**; ICONFACTORY, INC.; ILLUSION LABS AB;

MICHAEL G. KARR D/B/A SHOVELMATE; QUICKOFFICE, INC.; ROVIO MOBILE LTD. RICHARD SHINDERMAN;

**SOUARE ENIX LTD.:** TAKE-TWO INTERACTIVE SOFTWARE, INC.,

Defendants.

**JURY TRIAL DEMANDED** 

# PLAINTIFF LODSYS, LLC'S ORIGINAL ANSWER TO **DEFENDANT ELECTRONIC ARTS, INC.'S COUNTERCLAIMS**

COMES NOW, Plaintiff Lodsys, LLC ("Plaintiff"), and files its Original Answer to the Counterclaims filed by Defendant Electronic Arts, Inc. ("Defendant"), and would respectfully show the Court as follows:

#### THE PARTIES

- 1. Plaintiff admits the allegations in paragraph 56.
- 2. Plaintiff admits the allegations in paragraph 57.

### **JURISDICTION AND VENUE**

- 3. Plaintiff admits that this Court has jurisdiction over the subject matter of Defendant's Counterclaims. The remaining legal or other conclusions in paragraph 58 do not require a response. To the extent a response is required, Plaintiff denies the remaining allegations in paragraph 58.
  - 4. Plaintiff admits the allegations in paragraph 59.

- 5. Plaintiff admits that venue for Defendant's Counterclaims is proper in this District. The remaining legal or other conclusions in paragraph 60 do not require a response. To the extent a response is required, Plaintiff denies the remaining allegations in paragraph 60.
  - 6. Plaintiff admits the allegations in paragraph 61.
  - 7. Plaintiff admits the allegations in paragraph 62.
- 8. Paragraph 63 contains legal or other conclusions that do not require a response. To the extent a response is required, Plaintiff denies the allegations in paragraph 63.

# **First Counterclaim**

- 9. Plaintiff restates and incorporates by reference each of its responses to the allegations in paragraphs 56 through 63 of Defendant's Counterclaims, as if fully set forth herein.
  - 10. Plaintiff admits the allegations in paragraph 65.
- 11. Plaintiff admits that, at a point in time, Apple held a license to the '565 Patent and '078 Patent. Plaintiff is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in the first sentence of paragraph 66. Plaintiff denies the remaining allegations in paragraph 66.
- 12. Plaintiff admits that it has asserted claims of infringement against Defendant. The remaining legal or other conclusions in paragraph 67 do not require a response. To the extent a response is required, Plaintiff denies the remaining allegations in paragraph 67.

#### **Second Counterclaim**

- 13. Plaintiff restates and incorporates by reference each of its responses to the allegations in paragraphs 56 through 67 of Defendant's Counterclaims, as if fully set forth herein.
  - 14. Plaintiff admits the allegations in paragraph 69.
  - 15. Plaintiff denies the allegations in paragraph 70.

# **Third Counterclaim**

- 16. Plaintiff restates and incorporates by reference each of its responses to the allegations in paragraphs 56 through 70 of Defendant's Counterclaims, as if fully set forth herein.
  - 17. Plaintiff admits the allegations in paragraph 72.
  - 18. Plaintiff denies the allegations in paragraph 73.

### **Fourth Counterclaim**

- 19. Plaintiff restates and incorporates by reference each of its responses to the allegations in paragraphs 56 through 73 of Defendant's Counterclaims, as if fully set forth herein.
  - 20. Plaintiff admits the allegations in paragraph 75.
  - 21. Plaintiff denies the allegations in paragraph 76.

### **Fifth Counterclaim**

- 22. Plaintiff restates and incorporates by reference each of its responses to the allegations in paragraphs 56 through 76 of Defendant's Counterclaims, as if fully set forth herein.
  - 20. Plaintiff admits the allegations in paragraph 78.
  - 21. Plaintiff denies the allegations in paragraph 79.

### **DEMAND FOR JURY ON DEFENDANT'S COUNTERCLAIMS**

Plaintiff demands a trial by jury on Defendant's Counterclaims.

# RESPONSE TO DEFENDANT'S PRAYER FOR RELIEF

Plaintiff denies that Defendant is entitled to any of the relief requested in Defendant's Prayer For Relief.

#### PLAINTIFF'S PRAYER FOR RELIEF

WHEREFORE, in addition to the relief requested in its Amended Complaint, Plaintiff respectfully requests entry of a judgment in its favor and against Defendant as follows:

A. That Defendant take nothing by its Counterclaims;

- B. That the Court award Plaintiff all costs and attorneys' fees incurred in defending against Defendant's Counterclaims; and
  - C. Any and all further relief that the Court deems just and proper.

Dated: November 9, 2011. Respectfully Submitted,

By: /s/ Christopher M. Huck

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Attorneys for Plaintiff Lodsys, LLC

# **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this response was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(V). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the  $9^{th}$  day of November 2011.

By: /s/ Christopher M. Huck Christopher M. Huck